

REMARKS/ARGUMENTS

In response to the Office Action, Applicant has canceled Claims 30 through 43 and 45. Claims 1 through 29 were previously canceled.

Applicant acknowledges with appreciation the indication of allowability of Claims 31 and 35. Accordingly, Claim 31 is presented herewith in independent form as Claim 46 including the recitation of original Claims 30 and 31 and Claim 35 is presented herewith in independent form as Claim 47, including the recitation of original Claims 30 and 35. Consideration for allowance of Claims 46 and 47 is respectfully requested.

Claim 44 remains in the application with minor amendments of form together with new Claims 46 and 47. Applicant presents herewith new Claims 48 through 56. Claim 44 and Claims 48 through 56 are believed to be patentably distinct from the prior art for the reasons set forth herein.

In the Office Action, the Examiner rejected Claim 44 under 35 U.S.C. 103(a) as being obvious over the teaching of U.S. Patent 6,388,559 to Cohen in view of U.S. Patent 5,291,193 to Isobe et al. Claim 44 is directed to a method of operating a barrier with an automatic operator system wherein the system includes a base transmitter which transmits radio frequency signals to remote receivers and receives signals from remote transmitters associated with the remote receivers. Claim 44 includes the step of causing the barrier to move from a closed position to an open position in response to a signal from any one of the remote transmitters and remain in an open position as long as any one of the remote control units containing such transmitters are within a radio frequency communication range of the controller.

In at least the above-noted respects, Claim 44 is believed to patentably distinguish over the teaching of Cohen and Isobe et al. taken alone or one modified in view of the other. The Cohen reference discloses an automatic remote control garage door operating system wherein a base transmitter transmits signals to a remote control unit, and, if an acknowledgement

signal is received back from the remote control unit, the barrier which has been previously opened to initiate the process will store the state signal (barrier in open position) and commence a time delay period after the elapse of which the barrier (door) is closed automatically. Cohen does not contemplate a system which causes the door or barrier to move from a closed position to an open position in response to a signal from any one of plural remote control units and remain in the open position as long as any one of the remote control units is within a radio frequency communication range of the barrier operator controller. An important attribute of the system of the present invention is one wherein the system provides for automatically opening the door/barrier when a remote control unit moves into range as well as providing for closing the barrier if the remote control unit moves out of range. Cohen does not address this methodology and only provides for closing the door/barrier when the remote control unit or units move out of range.

The Isobe et al. reference is not directed to a barrier operator system which has automatic opening and closing functions. The Isobe et al. reference does disclose a wireless transmission-reception control system which includes a centralized or base station and plural remote control units. However, the Isobe et al. reference is directed to a system which allows coded signals from plural transmitters to be automatically registered in a base receiver. There is clearly no suggestion in the Isobe et al. reference to provide a method of operating a barrier to move from a closed position to an open position in response to an operator having a controller which causes the barrier to move from a closed position to an open position in response to a signal from a remote transmitter and to remain in an open position as long as any one of plural remote control units is within a radio frequency communication range of the system controller. Reconsideration for allowance of Claim 44 is respectfully requested.

Applicant presents with this amendment new Claim 48 which is based somewhat on canceled Claim 34. Claim 48 is believed to be patentably distinct from the teaching of Cohen taken alone or as modified by the teaching of Isobe et al. Claim 48 recites the steps of causing the base transmitter to transmit a radio frequency signal to a remote receiver, actuating a base switch to effect opening of the barrier and causing the controller to maintain the barrier in an open position as long as the controller receives a signal from at least one of the remote transmitters. As mentioned above with regard to the patentability of Claim 44, Cohen and Isobe et al. fails to disclose or suggest automatic operation of a barrier operator based on actuating a switch to move the barrier from a closed position to an open position and then causing the barrier to remain in the open position as long as the controller receives a signal from at least one remote transmitter. Consideration for allowance of Claim 48 is requested.

Applicant presents with this amendment new Claim 49 which is based somewhat on canceled Claim 38. Claim 49 includes the steps of causing the base transmitter of the control system to transmit signals to remote receivers associated with remote control units, actuating a remote switch associated with a remote control unit to effect closing of the barrier and maintaining the barrier in a closed position if at least one of the remote receivers is outside a signal receiving range and another one of the remote receivers is within signal receiving range. As mentioned previously, Cohen does not disclose or suggest a system which includes more than one remote transmitter and Isobe et al. is clearly not concerned with operating methods for a barrier operator wherein communication takes place between a base transmitter/receiver and plural remote control units. Accordingly, Applicant respectfully submits there is no teaching in the prior art of a method of operating a barrier, such as a gate or garage door, which includes the steps of actuating a remote control unit switch to close the barrier and then maintain the barrier in a closed position if at least one of the

remote control units is outside of a signal receiving range of a signal from a base transmitter and another one of the remote control units is within a signal receiving range of the base transmitter. Consideration for allowance of Claim 49 is respectfully requested.

Applicant presents with this amendment Claims 50 and 51 which are based somewhat on the recitation of canceled Claims 40 and 41. Claim 50 includes the steps of causing the base transmitter of the operator controller to transmit a radio frequency signal to plural remote receivers, causing the barrier to be opened and causing the controller to maintain the barrier in an open position if one of the remote control units is in signal receiving range of a radio frequency signal from a base transmitter and another one of the remote control units is out of signal receiving range of the base transmitter. As pointed out hereinabove, Cohen does not disclose or suggest methodology for causing the remote control system of Cohen to maintain a barrier in an open position in the situation where one remote control unit is out of signal receiving range while another remote control unit is in signal receiving range since, in particular, Cohen does not disclose or suggest a system which is operable with more than one remote control unit. As also pointed out previously, Isobe et al. does not suggest methodologies associated with automatic operation of a barrier operator where more than one remote control unit is involved. Accordingly, modifying Cohen, as suggested by Isobe et al. would not provide the combination of steps set forth in Claim 50 and consideration for allowance of this claim is requested.

Claim 51 is dependent on new Claim 50 and is believed to be patentable at least for the reasons set forth above in support of Claim 50.

Applicant presents with this amendment Claim 52 which is similar in some respects to canceled Claim 42 and includes the steps of causing the barrier operator to close the barrier in response to actuation of a switch of one of the base control unit and a remote control unit and then causing the barrier to

Appl. Ser. No. 10/620,731
Amendment Dated December 14, 2004
Reply to Office Action of September 21, 2004

open when the base receiver of the system receives a signal from one of the remote control unit transmitters. Accordingly, this combination of features provides for automatic opening of the barrier when a remote unit moves into range after the barrier has been instructed to close. Cohen does not contemplate such a methodology nor does Isobe et al. Consideration for allowance of Claim 52 is requested.

New Claims 53 through 56 all are directed to methodologies supported by Applicant's specification which involve the use of a base transmitter/receiver and plural remote control units with transmitters and receivers and wherein operation of a barrier operator in various automatic modes are claimed including moving the barrier from a closed position to an open position, a method which Cohen does not contemplate taken alone or modified by Isobe et al. Accordingly, Claims 53 through 56 are also believed to be patentably distinct and necessary to protect the instant invention. Consideration for allowance of Claims 53 through 56 is also respectfully requested.

Applicant has made a diligent effort to advance the prosecution of this application by canceling claims, by placing allowable claims in proper form for allowance, by presenting claims herewith which are believed to be patentably distinct and by pointing out with particularity herein how such claims distinguish over the art of record. Accordingly, an early Notice of Allowance of Claims 44 and 46 through 56 is respectfully solicited.

Respectfully submitted,

Date: 12/14/04

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